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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF MARIN

CHURCH OF SCIENTOLOGY INTERNATIONAL,)	No. 157 680
a California not-for-profit)	
religious corporation,)	EX PARTE
)	APPLICATION TO
Plaintiff,)	CONTINUE HEARINGS
)	ON MOTIONS FOR
vs.)	SUMMARY ADJUDICATION
)	OF 20TH CAUSE OF
GERALD ARMSTRONG; MICHAEL WALTON;)	ACTION; AND 13TH,
THE GERALD ARMSTRONG CORPORATION)	16TH, 17TH & 19TH
a California for-profit)	CAUSES OF ACTION
corporation; DOES 1 through 100,)	OF 2ND AMENDED
inclusive,)	COMPLAINT
)	
Defendants.)	Date: 4/7/95
)	Time: 9:30 a.m.
)	Dept: One
)	Trial Date: 5/18/95

TO: CHURCH OF SCIENTOLOGY INTERNATIONAL AND ITS ATTORNEYS OF
RECORD:

PLEASE TAKE NOTICE that on April 7, 1995 at 9:00 a.m., in Department 1 of the above-entitled Court, located at the Hall of Justice at the Marin County Civic Center, San Rafael, California, defendant Gerald Armstrong, in pro per, will seek an ex parte order continuing the hearing on plaintiff's motion for summary adjudication of the twentieth cause of action of its complaint presently set for April 21, 1995.

This ex parte application is based upon the following grounds:

A. There are key witnesses, whose testimony is or may be dispositive of the pending motions, or causes of action or parts of these motions, declarations from whom defendant has been unable to obtain, but believes he can obtain such declarations, one of which with the Court's assistance, within the next week;

B. Defendant is in pro per and without financial resources, has attempted diligently to obtain an attorney, and believes that he will be successful within the next week;

C. Defendant is not an attorney, lacks an attorney's knowledge and skills, but has, nevertheless, worked diligently to prepare oppositions to plaintiff's motions.

D. Plaintiff's motions are massive, involve complex legal issues, will set the stage and parameters for trial, and if granted grounds will cripple defendant and destroy his litigant's and human rights.

This ex parte application is based upon this notice, the attached declaration of Gerald Armstrong, the Court's files and records in this case and such other material as is presented in support of this application.

DATED: April 7, 1995

By: _____
Gerald Armstrong

DECLARATION OF GERALD ARMSTRONG

I, Gerald Armstrong, declare:

1. I am the defendant in this case. I am not an attorney, not trained as an attorney, and do not have an attorney's knowledge or skills. Until February 23, 1995 I was represented by attorney Ford Greene.

2. On February 27, 1995 I received from plaintiff Scientology organization its motion for summary adjudication of its twentieth cause of action of its complaint. Scientology's motions are massive, involve complex legal issues, will set the stage and parameters for trial, and if granted grounds will cripple me and destroy my litigant's and human rights.

3. On March 10 this Court signed an order, for which I am very grateful, granting an ex parte application which extended by two weeks the time to oppose the above-described motion for summary adjudication.

4. After the Court granted its first extension I was ill for a two-week period. I lost a great deal of strength, was incapacitated and unable to perform my usual work, or to work in any effective way on the oppositions. I am gaining back my strength, although I am not yet back to normal.

5. On March 17 Scientology served on me another motion for summary adjudication, this of the 13th, 16th, 17th and 19th causes of action of the second amended complaint. This motion seeks \$200,000.00 in liquidated damages.

6. Scientology's motion for summary adjudication of the 20th cause of action and supporting documents is over six inches thick. The second motion and supporting documents is another two inches.

7. On March 29 this Court signed an order, for which I am also grateful, granting an extension of one week to oppose the two pending motions.

8. I have worked diligently to oppose Scientology's motions. I have a direction for my oppositions which I believe will be adequate and successful. I am not a typist, and Scientology's separate statements of undisputed facts alone required 80 pages. Adding in my separate statements of disputed and undisputed facts brings this part of the work to well over 100 pages. I have done research, and located and communicated with all of the people whose testimony I require by way of declaration to support my oppositions.

9. There remain four individuals from whom I requested declarations, and whose testimony is either dispositive of one or both of the pending motions, or of certain causes of action or parts of the motions, or is an essential support for my defenses to the causes of action, from whom I have been unable to obtain declarations, but from whom I believe I will be able to obtain declarations within the following week. I list these four witnesses below.

10. Michael J. Flynn, Esquire. I have had a series of conversations with Mr. Flynn in the past three days. He has

stated to me that he wants to help me and would provide a declaration in support of my oppositions, except for the fact that he believes if he does so Scientology will sue him and again make him fair game. I am therefore requesting that this Court order that Mr. Flynn be freed from any contract by which Scientology prevents him from providing me a declaration, and that Scientology be ordered to not retaliate against Mr. Flynn in any way as a result of his providing such a declaration.

11. Mr. Flynn will testify that Scientology prior to and during the time he was involved in litigation used the legal system and force against perceived critics and targeted "enemies" to eliminate ideas antithetical to its own, that this went under the heading "fair game," and included the concepts of "attack the attacker," and "black propaganda." He will testify that Scientology swore to give up these practices and begged for a settlement as a means of obtaining an opportunity to prove that it had given up these practices. He will testify that but for Scientology's promise that it was giving up all fair game practices he would never have agreed to sign, nor had me nor any other client agree to sign, Scientology's settlement documents. He will testify that depth of his and my principles and extent of dedication to the truth is manifested by the successful litigation of the case Scientology v. Armstrong, Los Angeles Superior Court No. C 420153. He will testify that intrinsic to the agreement was the recognition that the Armstrong cross-complaint was about

to go to trial and that Scientology had substantial liability, and the recognition that there had been a verdict of \$30,000,000 against Scientology in the case of Wollersheim v. Scientology, also in LA Superior Court within less than five months of the December, 1986 settlement. He will testify that he was the subject of fair game from 1979 through 1986, had been sued fifteen times by Scientology, had been harassed unmercifully, framed, threatened, his marriage ruined and his family and career threatened, and that he was desperate to get out of the fair game threat. He will testify that there were no negotiations concerning the liquidated damages condition of the settlement agreement, that there were no negotiations involving me, and that he believed that, despite Scientology's refusal to not include the condition, it was and is unenforceable, and told Armstrong so at the time; that there is no reasonable relationship between Scientology's actual damages and the liquidated damages, and that the bargaining power of the parties was completely lopsided in Scientology's favor. He will testify that there was supposed to be a "clean slate" and that if Scientology published anything about me after the settlement I was free to respond to such post-settlement statements.

12. I am therefore requesting this Court's assistance and an order freeing Mr. Flynn and making it safe for him to provide this key testimony.

13. Lawrence Wollersheim. Scientology seeks an order

which reads in part: "within 20 days of the issuance of this Order, Armstrong shall: 1. Remove all information concerning Scientology, the Church and/or any person or entity referred to in paragraph 1 of the "Mutual Release of All Claims and Settlement Agreement" of December, 1986 from any and all databases, electronic or otherwise, within the possession, custody or control of FACTNet." Mr. Wollersheim is the founder and manager of FACTNet, a cult abuse victims advocacy organization which collects, preserves and makes available information on groups and organizations which employ sophisticated and dangerous techniques of mind control. He will testify that I was not involved in FACTNet's management or operations. He will testify that Scientology is seeking an order allowing the removal and/or seizure of materials from a public library and archive, that the described materials are not those I provided and exceed by hundreds of times whatever I provided to FACTNet, and that they are public domain materials.

14. Mr. Wollersheim has not been available to provide a declaration until recently, and because the order Scientology seeks affects FACTNet, he requires time to obtain the legal opinion of counsel before he can provide the needed declaration, but will be able to do so this weekend.

15. Margery Wakefield. Scientology supports its motions with a ruling in the Wakefield v. Scientology case. Ms. Wakefield will testify as to how Scientology obtained a

settlement agreement with her similar to mine, what her understanding of its meaning was, and circumstances which have brought her, similarly to me, to again be a target of Scientology's fair game. I have only recently located Ms. Wakefield, have drafted a declaration for her and have her promise to get it back to me over this weekend.

16. Witness #4. This person requests to not be identified until a declaration has been provided. This witness has been on a business trip and not available to provide a declaration, but has promised such a declaration by the beginning of next week. This person was key to the actions I have taken which Scientology considers breaches of its settlement agreement and which are the subject of its pending motions. This person will testify as to circumstances which precipitated and excuse my actions.

17. All of the people from whom I still require declarations are out of state. I have only this week been able to obtain a fax machine and that fact delayed my getting drafts to the witnesses and getting declarations back.

18. From the time Mr. Greene substituted out I have attempted to obtain competent counsel to represent me in this litigation. I have now communicated substantively with fifteen attorneys, each of whom has thus far declined to represent me. I have also had communications with two attorneys within the past week who are both interested in my case and are both seriously considering helping in some

manner, if not complete representation. I believe I will be able to get at least one of these attorneys to commit if my request herein is granted. I have also communicated with a number of organizations which have an interest in the First Amendment issues which my case presents and which may be able to assist financially or with creating a public forum for and focus on the case's issues, and this past week a description of my case and needs was posted on the internet. I am confident that help is on its way. An extension of one week will also give me an opportunity have an attorney assist in my oppositions or at least review my work, if I am able to obtain legal help in the next two weeks. These summary adjudication motions are extremely important and will set the stage and guidelines for the May trial. Any attorney who might become involved in my case would want to have as much input as possible into what that stage and guidelines will be.

19. My request for an extension, therefore, is not frivolous, but will promote justice by giving me the chance I need to defend myself. Scientology will not be prejudiced in any way if an extension is granted.

20. I am requesting that the hearing on the motion for summary adjudication be set for April 28, 1995.

21. I advised Scientology attorney, Laurie Bartilson, in person at 11:00 a.m. yesterday that I would seek a continuance of the hearing date ex parte today if she would not agree to such a continuance. I followed this up with a faxed letter, a

copy of which is appended hereto as Exhibit A.

22. I again ask for this Court's patience and mercy.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at San Anselmo, California, on April 7, 1995.

GERALD ARMSTRONG

ORDER

GOOD CAUSE appearing therefor, it is hereby ORDERED that the hearing on plaintiff's motion for summary adjudication of the twentieth cause of action of the second amended complaint, and the hearing on plaintiff's motion for summary adjudication of the thirteenth, sixteenth, seventeenth and nineteenth causes of action of the second amended complaint shall be continued to 9:00 a.m. April 28, 1995.

IT IS FURTHER ORDERED that defendant's former attorney Michael J. Flynn be released by plaintiff from any contractual condition which prohibits him from providing defendant Gerald Armstrong with a declaration in support of his oppositions to plaintiff's summary adjudication motions, and that plaintiff and its agents shall not retaliate in any way against Mr. Flynn in any way for providing such declaration.

DATED:

Judge of the Superior Court